

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OSCAR M CONSTANCIO,

Plaintiff,

v.

SACRAMENTO SUPERIOR COURT,

Defendant.

Case No. [22-cv-03393-RMI](#)

ORDER OF TRANSFER

This is a habeas case filed *pro se* by a prisoner. Petitioner challenges a conviction obtained in the Sacramento County Superior Court. Sacramento County is in the venue of the United States District Court for the Eastern District of California. Petitioner is also incarcerated in the Eastern District.

Venue for a habeas action is proper in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). This district is neither. Petitions challenging a conviction are preferably heard in the district of conviction. *See* Habeas L.R. 2254-3(a); *see also Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Because Petitioner was convicted in the Eastern District, and because he is also being held in that district, this case is **TRANSFERRED** to the United States District Court for the Eastern District of California. *See* 28 U.S.C. § 1406(a); Habeas L.R. 2254-3(b).

IT IS SO ORDERED.

Dated: July 18, 2022



ROBERT M. ILLMAN
United States Magistrate Judge